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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,821	04/12/2004	Nagaraj Jayanth	0315-510/COE	3473
27572	7590	10/19/2005	EXAMINER	
HARNES, DICKEY & PIERCE, P.L.C.			TANNER, HARRY B	
P.O. BOX 828			ART UNIT	
BLOOMFIELD HILLS, MI 48303			PAPER NUMBER	
			3744	

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/822,821	Applicant(s) JAYANTH ET AL.	
	Examiner Harry B. Tanner	Art Unit 3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-31 and 39-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-31 and 39-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>5/12/04 & 9/1/04</u> | 6) <input type="checkbox"/> Other: _____ |

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4-5, 9-10, 13, 16-19, 21-24, 27, 30-31, 39 and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Kauffman et al (5,209,076). Kauffman discloses processing circuitry 38 receiving motor current 50, high side temperature 48 and pressure 46 and low side temperature 40 and pressure 42 in order to determine system operating conditions and communicating 104 with an intelligent device.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 11, 20 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kauffman et al as applied to claim 1 above. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Kauffman such that the low and high side pressure sensors were disposed proximate the compressor inlet and outlet since the system is intended to prevent damage to the compressor.

Claims 6-7, 12 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kauffman et al as applied to claim 1 above, and further in view of Bahel et al (5,630,325). Bahel teaches the use of an outdoor heat exchanger

temperature sensor 55 and an ambient temperature sensor 56 in order to determine system operating conditions. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Kauffman such that it included the use of an outdoor heat exchanger temperature sensor and an ambient temperature sensor in order to determine system operating conditions in view of the teachings of Bahel.

Claims 14 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kauffman et al as applied to claim 1 above, and further in view of Jurewicz et al (5,499,512). Jurewicz teaches logging and storing system operating conditions (see 70 and 36 of Figure 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Kauffman such that it included logging and storing system operating conditions in view of the teachings of Jurewicz.

Claims 15 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kauffman et al as applied to claim 1 above, and further in view of Day, III et al. Day teaches the use of LEDs in order to indicate system operating conditions. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Kauffman such that it included the use of LEDs in order to indicate system operating conditions in view of the teachings of Day.

Claims 40-41 and 43-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kauffman as applied to claim 1 above, and further in view of Enstrom. Enstrom teaches determining the energy used by the compressor of a

refrigeration system (see col. 4, lines 3-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Kauffman such that it included determining the energy used by the compressor of a refrigeration system in view of the teachings of Enstrom. It is conventional in the determination of compressor energy use that compressor motor current and voltage as well as compressor operation time are used for making the energy use measurements. Accordingly, it would have been obvious to one of ordinary skill in the art to use those parameters when making the energy measurements taught by Enstrom.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harry B. Tanner whose telephone number is (571) 272-4813. The examiner can normally be reached 8:30 am to 5:00 pm Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Melba Bumgarner, can be reached on (571) 272-4709. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>.

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Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Harry B. Tanner". The signature is fluid and cursive, with the first name "Harry" being more prominent and the last name "Tanner" following in a similar style.

Harry B. Tanner
Primary Examiner
Art Unit 3744